

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
TYLER DIVISION

SHERRICE DAVIS

§

VS.

§

CIVIL ACTION NO. 6:07cv145

COMMISSIONER,

SOCIAL SECURITY ADMINISTRATION

§

ORDER ADOPTING REPORT AND RECOMMENDATION

The Court referred the above-entitled and numbered civil action to United States Magistrate Judge John D. Love. The Magistrate Judge presented for consideration the Magistrate Judge's Report, containing proposed findings of fact and recommendations for disposition.

On June 21, 2007, the undersigned issued an Order Directing Filing of Briefs, in which this Court ordered Plaintiff to file a brief within forty-five days of receiving the order. On June 21, 2007, Plaintiff received the Order.

On September 27, 2007, Defendant filed a motion to dismiss because Plaintiff failed to comply with the Order Directing Filing of Briefs. The Report and Recommendation recommends that Defendant's motion to dismiss be granted and that the case be dismissed without prejudice.

Plaintiff filed objections stating that she has been in the behavior health center for about seven days and asking for a ninety-day extension to find an attorney. Plaintiff filed her case on April 2, 2007, and her motion to appoint counsel was denied on April 9, 2007. She has had more than ten months to find an attorney and more than seven months to file a brief. Seven days in the behavior health center neither explains nor constitutes sufficient reason for her failure to file a brief.

This Court has made a *de novo* review of Plaintiff's objections and determined that the objections lack merit. This Court finds that the Magistrate Judge's findings and conclusions are

correct and adopts them as the Court's findings and conclusions. The Court therefore

**ORDERS** that Defendant's motion to dismiss (dkt#15) is granted;

**ORDERS, ADJUDGES, and DECREES** that this action is **DISMISSED WITHOUT PREJUDICE**; and

**ORDERS** that all motions not previously ruled on are denied.

**SIGNED this 6th day of February, 2008.**

  
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MICHAEL H. SCHNEIDER  
UNITED STATES DISTRICT JUDGE